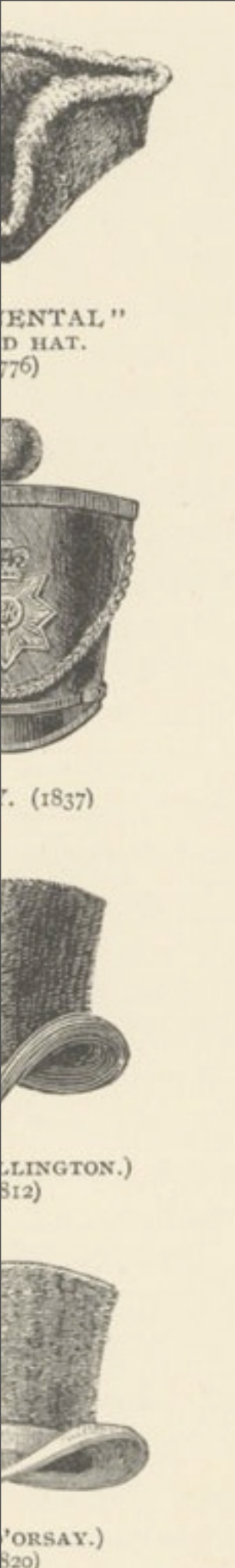


# Encouraging a Culture of Openness in Libraries

---

Jessamyn West

*<librarian.net/talks/open>*



# one of us!

---

- ▶ **Director of Operations, MetaFilter.com**
- ▶ **"Intrepid part-timer" Kimball Library**
- ▶ **Tech instructor, RTCC**
- ▶ **Volunteer email support Open Library**
- ▶ **I blog & write & talk a little. Hi.**

I know this is probably a really late-to-the-game confession but I'm a technical services person as well as being a former "I don't quite get what technical services is" person. I don't think it's that I've changed so much it's that libraries have changed, and keep changing. My current job titles now are...





I also always say this but this is an exciting time to be a librarian. I know I always say that but I think it's because I like my job(s). But it's also because the library culture of my reality is coming closer to being the library culture of my dreams. There's been a lot going on just in the last year. Here's a recap.





en up 7/37. ned. 4/23. Dag 9/28 natt. 14/32.

Brigitta	☾	Nya St.	11
Konstbåge	☾ ☽ ☿ ♃	Wadert	12
Blasius	☾ ☽ ☿ ♃	Wintert.	13
Om Hwetet och Dgraket / Matth. 13/24.			
Ursula	☾ ☽ ☿ ♃	7/24.6	14
Maatha	☾ ☽ ☿ ♃	Wader /	15
Dorothea	☾ ☽ ☿ ♃		16
Richardus	☾ ☽ ☿ ♃	Onöd	17
Helena	☾ ☽ ☿ ♃		18
40 Martyrer	☾ ☽ ☿ ♃	11/46. f.	19
Apollonius	☾ ☽ ☿ ♃	Edö	20
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Diaphorus	☾ ☽ ☿ ♃	Wader /	23

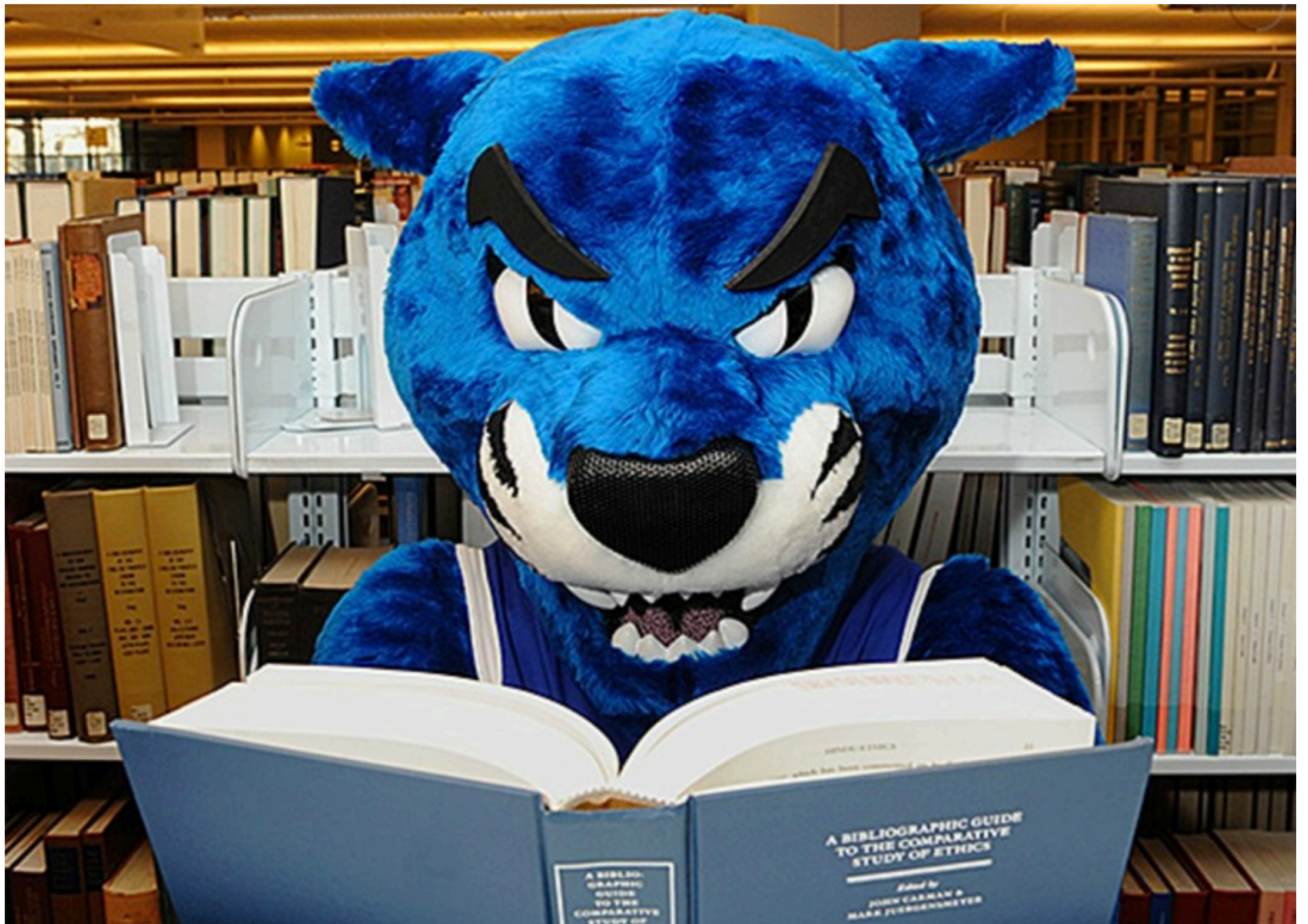
☉ up 6/39. ned. 5/30. Dag. 10/31. tim. 11/11/

14 c Valentin	☾ ☽ ☿ ♃		24
15 d Sigfrid	☾ ☽ ☿ ♃		25
16 e Juliana	☾ ☽ ☿ ♃	Frost /	26
17 f Casparus	☾ ☽ ☿ ♃		27
Om Arbetarna i Wängården / Matth. 20/			
18 g Septuag.	☾ ☽ ☿ ♃	Concordia	28
19 a Susanna	☾ ☽ ☿ ♃	12/58. e.	29
20 b Joachim	☾ ☽ ☿ ♃	☽ ☿ ☉	1/1/
21 c Benedictus	☾ ☽ ☿ ♃	Bläst /	2
22 d Victor	☾ ☽ ☿ ♃	Urwäder /	3
23 e Terullian	☾ ☽ ☿ ♃		4
24 f Matthias	☾ ☽ ☿ ♃	Kalt /	5
Om Isra handa Fädes År. Luc: 8/4.			
25 g Sepages.	☾ ☽ ☿ ♃	Stordagen.	6
26 g Victoria	☾ ☽ ☿ ♃	12/7. e.	7
27 a Leonor	☾ ☽ ☿ ♃		8
28 b Konstantin	☾ ☽ ☿ ♃	Stadigt	9
29 c Nestor	☾ ☽ ☿ ♃		10
30 c Lillösk. d.	☾ ☽ ☿ ♃	Onöd /	11

Let's look at the last year of what's been happening. Isn't this image nice? It's a swedish almanac from 1712 and I got it from Wikipedia. For free.



# Georgia E-Reserves



May 2012: Georgia State won, or mostly won, the lawsuit over e-reserves and access and making them available to students under fair use guidelines. Brandon Butler from ARL said "Oxford University Press reported \$1-billion in sales last year, \$180-million in profits. Is that what a publisher on the verge of collapse looks like?" OUP is appealing this year, I bet they wont win.



# MLA: Open Access Friendly

---

## MLA Journals Adopt New Open-Access-Friendly Author Agreements

The journals of the Modern Language Association, including *PMLA*, *Profession*, and the ADE and ADFL bulletins, have adopted new open-access-friendly author agreements, which will go into use with their next full issues. The revised agreements leave copyright with the authors and explicitly permit authors to deposit in open-access repositories and post on personal or departmental Web sites the versions of their manuscripts accepted for publication. For more information on the new agreements, please contact the [office of scholarly communication](#).

Added 5 June 2012

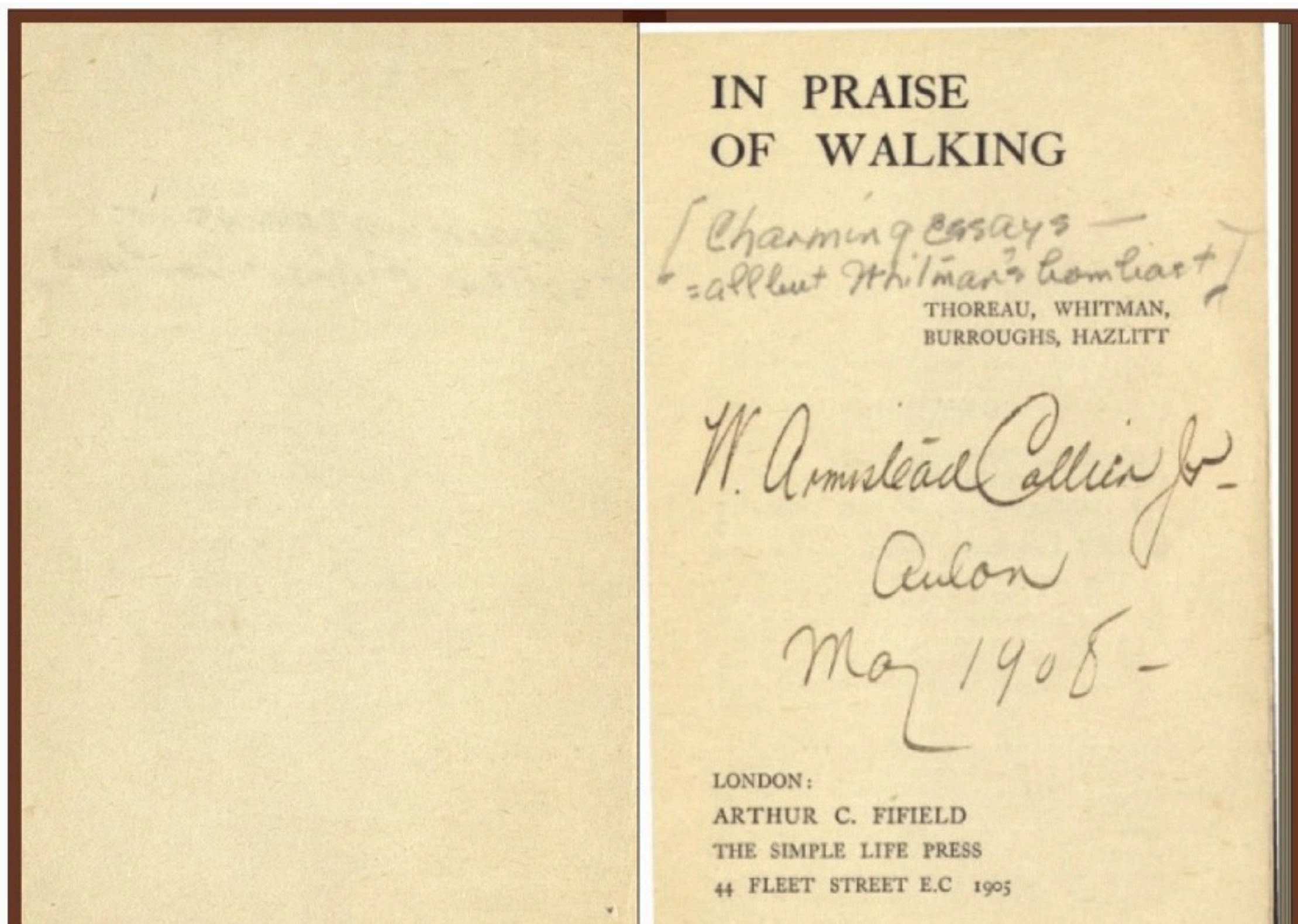
Modern  
Language  
Association

**MLA**

June 2012: the journals of the modern language association have changed their author agreements to leave copyright in the hands of the authors & share them in repositories. Basically saying "hey if this is a cultural value we have, we should walk the talk." Nice job MLA.



# Authors Guild v. Hathi



Oct. 2012: HathiTrust's use of books scanned by Google was declared Fair Use under US Copyright Law. The decision specifically mentioned "transformative uses" such as indexing. Many people felt that this decision paved the way for other large digital repositories. The thing about Hathi that is so appealing is their access control. Some users get some access, other users get different access. All the stuff is behind your password.



# UCLA Streaming



November 2012 – Lawsuit from Association for Information Media and Equipment dismissed with prejudice meaning "quit asking". "not obviously a case of infringement" and some other discussion about whether a streaming copy is "fixing" a work which is required for copyright claims. This is also an access issue, was the stuff restricted enough being made available via the school's CMS?



# Public Access to Research



OFFICIAL OFFICE OF SCIENCE AND TECHNOLOGY POLICY RESPONSE TO

Require free access over the Internet to scientific journal articles arising from taxpayer-funded research.

## Increasing Public Access to the Results of Scientific Research

By Dr. John Holdren

Thank you for your participation in the We the People platform. The Obama Administration agrees that citizens deserve easy access to the results of research their tax dollars have paid for. As you may know, the Office of Science and Technology Policy has been looking into this issue for some time and has reached out to the public on two occasions for input on the question of how best to achieve this goal of democratizing the results of federally-funded research. Your petition has been important to our discussions of this issue.

Feb 2013 in response to a We the People petition that got over 60K signatures "Fed agencies with more than \$100 million in research and development expenditures have to develop plans to make the results of federally-funded research publicly available free of charge within 12 months after original publication." So it's not just hippies... Again, access, the stuff exists, the question is who to we make it available to and for how much?



# Kirtsaeng v. Wiley



Argument Oct 12/Decision March 13: “The ‘first sale’ doctrine, which allows the owner of a copyrighted work to sell or otherwise dispose of that copy as he wishes, applies to copies of a copyrighted work lawfully made abroad.” BAM first sale is upheld. Yay us.



# MPAA & Fair Use

MediaPost **NEWS**

## ONLINE MEDIA DAILY


Home > [Online Media Daily](#) > Tuesday, Mar 19, 2013


### MPAA Backs Authors Guild Against Universities


by [Wendy Davis](#), Mar 18, 2013, 6:10 PM

Comment (1)

Recommend (1)

 Tweet 12

 Share

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Hollywood is siding with the Authors Guild in its attempt to revive a copyright lawsuit against five universities that worked with Google to digitize books.

The Motion Picture Association of America argues in a friend-of-the-court brief that the trial judge incorrectly ruled that the universities were protected by fair use principles.

Among other arguments, the MPAA contends that U.S. District Court Judge Harold Baer in New York didn't adequately consider Google's role in the digitization initiative. According to the MPAA, Google's involvement gave the digitization project a commercial purpose that "weighs heavily against a finding of fair use."

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#### TAGS

books, copyright, digital, digital content, google, legal

Even the MPAA has been acting weird. After their March swipe against universities and their fair use activities....



# MPAA & Fair Use

POSTED  
APR  
9  
21 HRS

## Why Hollywood Studios Care About the NFL's Baltimore Ravens Logo

12:05 PM PDT 4/9/2013 by Erik Gardner



3



33



4



1



0



Email



Print

Comments (1)

The MPAA says that if an artist suing the league is victorious at an appeals court, it could raise problems for movies containing logos, signs, billboards and other copyrighted works.



Getty Images

*The Baltimore Ravens celebrate their Super Bowl victory.*

The Motion Picture Association of America is usually associated with its aggressive advocacy of expansive copyright laws. On Monday, however, the MPAA sided with the NFL and the Baltimore Ravens in defending limits to a copyright holder's authority to object to use of protected material.

....they then filed a support brief in April for fair use supporting the Baltimore Ravens in their defense against the guy who (maybe) designed one of their old logos. Suddenly they were like "oh yeah fair use PROTECTS us as moviemakers..." funny how that works.



# Fair Use



## Fair Use Evaluator

### What this tool can do for you:

- Help you better understand how to determine the "fairness" of a use under the U.S. Copyright Code.
- Collect, organize & archive the information you might need to support a fair use evaluation.
- Provide you with a time-stamped, PDF document for your records [\[example\]](#), which could prove valuable, should you ever be asked by a copyright holder to provide your fair use evaluation and the data you used to support it. [\[why is this important?\]](#)
- Provide access to educational materials, external copyright resources, and contact information for copyright help at local & national levels.

### What this tool cannot do for you:

- This tool does not provide legal advice. It records the information you provide it as well as your own judgment on the fairness of the use. See the tool [\[disclaimer\]](#) for more information.
- Only a court of law can definitively rule on whether a use is fair or unfair. This tool does not assume or predict a court outcome.

[Make a Fair Use Evaluation](#)

[Learn More about Fair Use](#)

So there's been a lot of agitating about Fair Use and libraries and just like other legal wrassling that is reaching a tipping point this year (cough cough DOMA/gay marriage), this is the time to start moving the goalposts our way.



# FAIR USE ENABLES MISSION

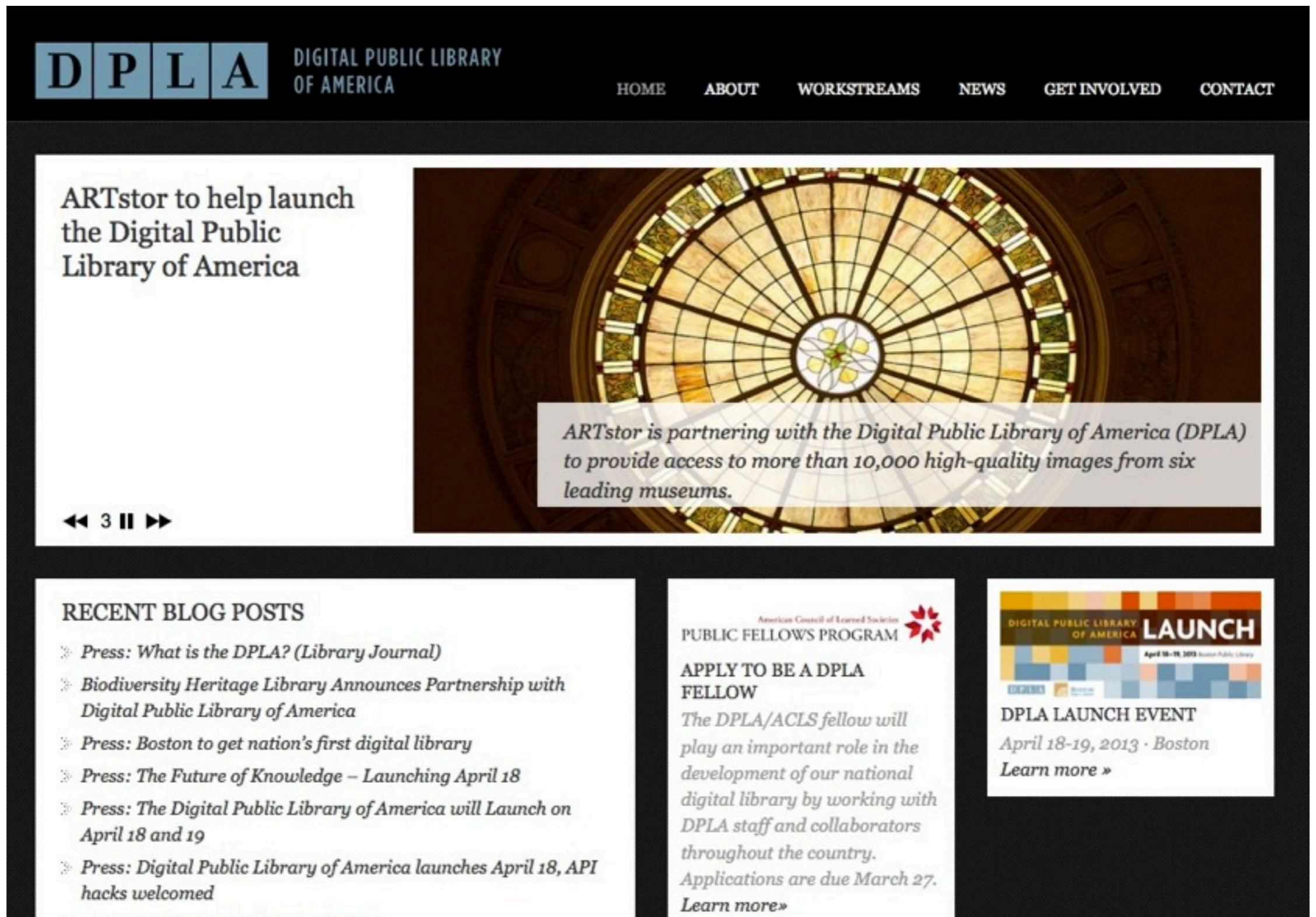


- Mission to serve knowledge past, present, future
- Need to access copyrighted work
- Digital innovation/obsolescence

And the thing about Fair use is--just like this slide from ARL outlines--one of the MAIN things we do. Share as much as we can. And as more content is digitized, that's all about access and EQUITY of access.



# dp.la launch



The screenshot shows the homepage of the Digital Public Library of America (DPLA). The header features the DPLA logo and navigation links: HOME, ABOUT, WORKSTREAMS, NEWS, GET INVOLVED, and CONTACT. The main content area includes a featured article about ARTstor's partnership with DPLA, a carousel of recent blog posts, a call to action for the Public Fellows Program, and an announcement for the DPLA Launch Event in Boston.

**D P L A** DIGITAL PUBLIC LIBRARY OF AMERICA

HOME ABOUT WORKSTREAMS NEWS GET INVOLVED CONTACT

**ARTstor to help launch the Digital Public Library of America**

ARTstor is partnering with the Digital Public Library of America (DPLA) to provide access to more than 10,000 high-quality images from six leading museums.

◀ 3 || ▶

**RECENT BLOG POSTS**

- ✦ *Press: What is the DPLA? (Library Journal)*
- ✦ *Biodiversity Heritage Library Announces Partnership with Digital Public Library of America*
- ✦ *Press: Boston to get nation's first digital library*
- ✦ *Press: The Future of Knowledge – Launching April 18*
- ✦ *Press: The Digital Public Library of America will Launch on April 18 and 19*
- ✦ *Press: Digital Public Library of America launches April 18, API hacks welcomed*

American Council of Learned Societies  
**PUBLIC FELLOWS PROGRAM**

**APPLY TO BE A DPLA FELLOW**

*The DPLA/ACLS fellow will play an important role in the development of our national digital library by working with DPLA staff and collaborators throughout the country. Applications are due March 27. [Learn more»](#)*

**DIGITAL PUBLIC LIBRARY OF AMERICA LAUNCH**  
April 18-19, 2013 Boston Public Library

**DPLA LAUNCH EVENT**  
April 18-19, 2013 · Boston  
[Learn more »](#)

Fair Use + libraries gives us projects like the DPLA. I have some mixed feelings about the publicness of the DPLA as well as the libraryness of it, but their heart is well in the right place.



SUBJECTS

AUTHORS

ADD A BOOK

LISTS

RECENTLY

HELP

# OPEN LIBRARY

One web page for every book.

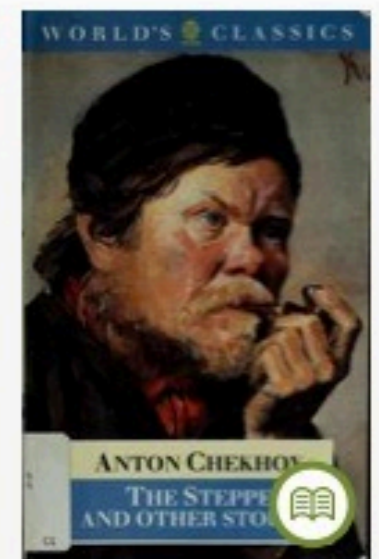
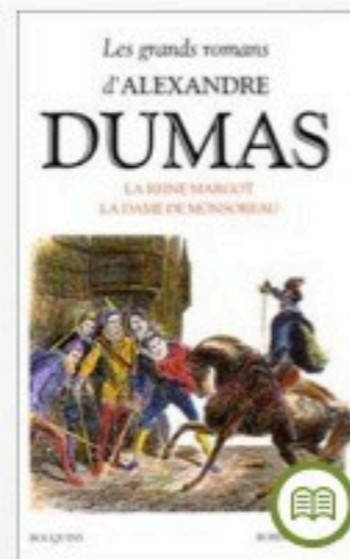
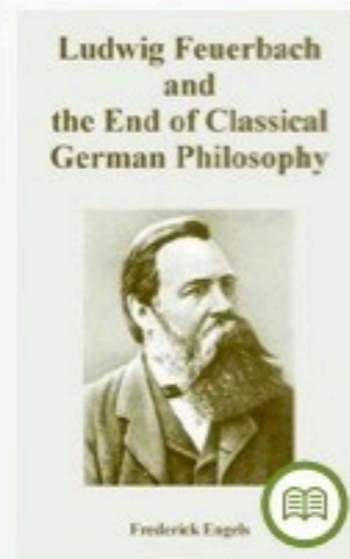
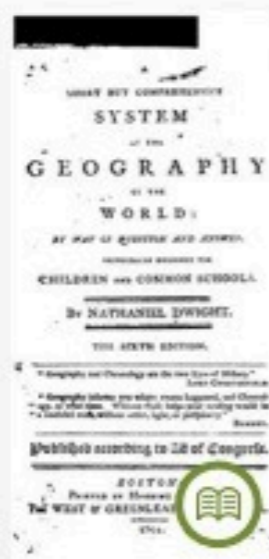
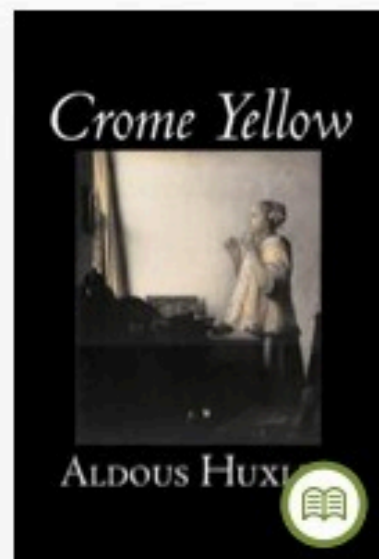
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Open Library is yours  
to borrow, read & search.

**Books to Read** The World's classic literature at your fingertips. Over [1,000,000 free ebook titles](#) available.



**Books to Borrow** Here's a sample of recently returned books from the [eBook lending library](#).

And then there's Open Library. I'm not sure how much you know about Open Library. I've been working there doing support email as a hobby the past few months. It's project of the Internet Archive but somewhat different. It allows lending of books. ebooks. To anyone (in the US), so you can...



# Read...

10

Creator made us for climbing. It's quite natural and perfectly safe."

Then why did it look so . . . so unnatural and so unsafe to me, I wondered. But I knew better than to answer back to Mother.

She pushed me back away from her and I knew what would happen next. She was going to climb that tree and leave me on the ground again. I couldn't stand the thought. I hated to be alone. I decided to follow her, clinging to her if possible. I reached for another handful of her thick hair and held on tightly as she took her first step toward the tree.

"Now Pordy," she said, turning to look at me, "You can't climb if your hands are full of something else. You'll have to let go of me and use your paws on the tree trunk."

Let go? I couldn't think of it. Mother was my safety. How could I let go and trust my own small paws on the trunk?

"Let go, Pordy," she said again.

I began to shiver again - and I wasn't even off the ground.

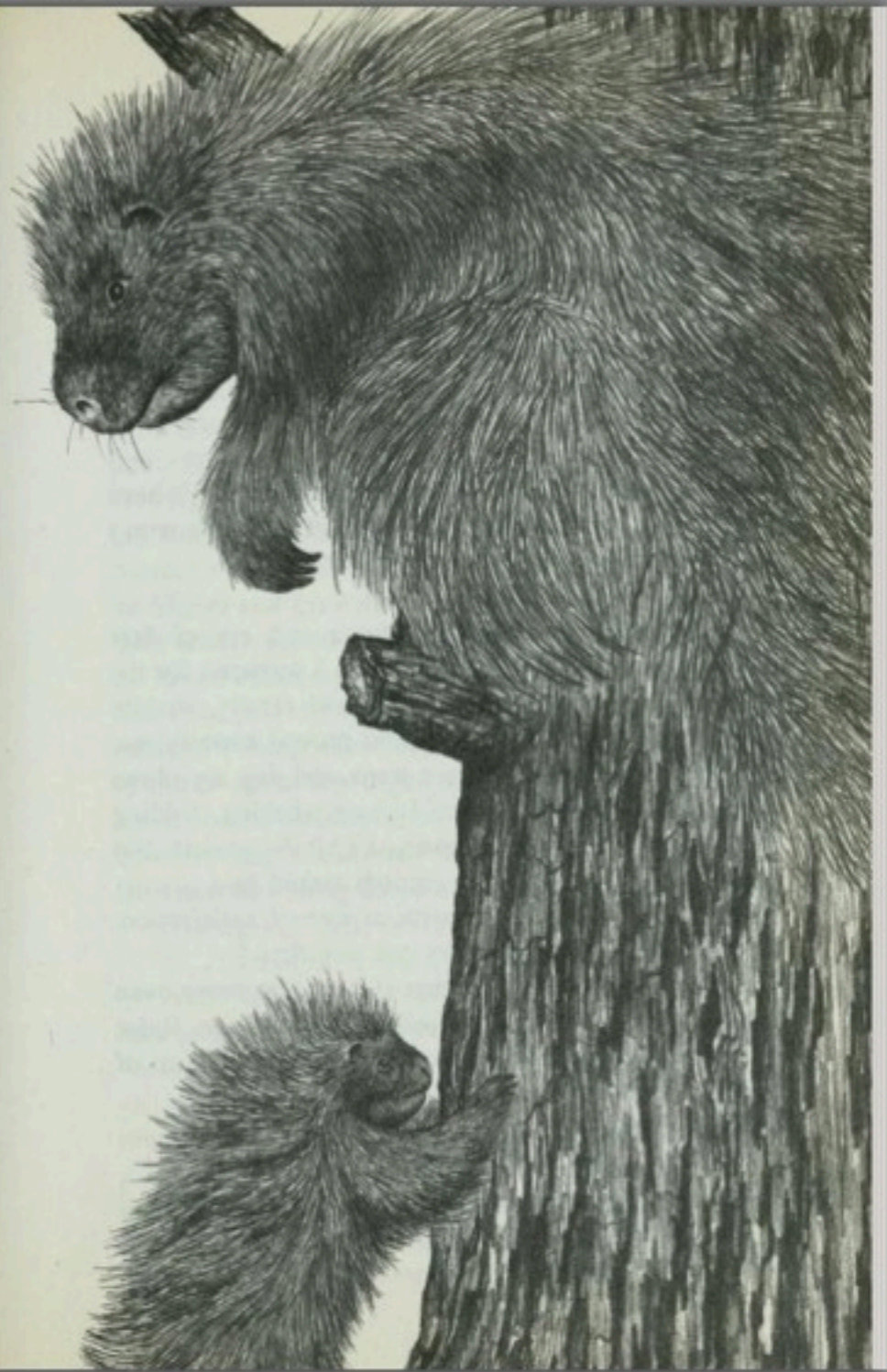
"Let go."

I let the handful of Mother's coat slip from my fingers. I wanted to curl up into a ball and close my eyes again. Oh, if only I could go back to the snug nest in the hollow of the tree trunk.

"Now put up the first paw and grab the trunk tightly just like you clutched me," advised Mother.

Still shivering, I reached up one small paw and pressed my claws deeply into the soft bark of the tree.

"Now the other one," said Mother.



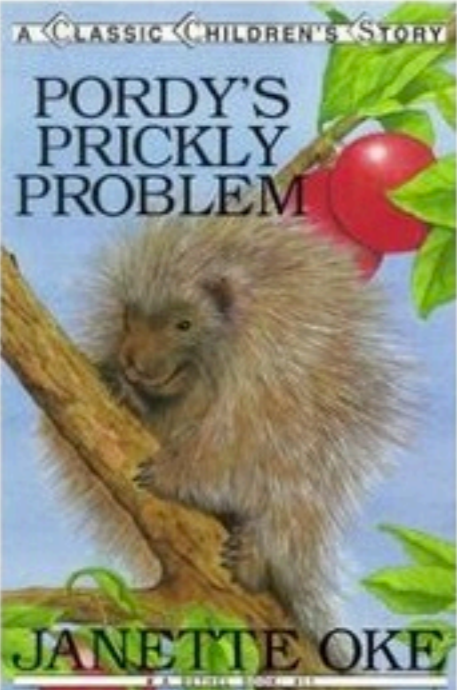
Read books online with one click (not like an overdrive "one-click" and actual single click), you can also



# Borrow...

3 editions of [Pordy's prickly problem](#) by [Janette Oke](#) • [Add edition?](#)  
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**Pordy's prickly problem**  
Janette Oke ; [illustrated by Brenda Mann ; edited by Grace Pettifor].  
Published 1993 by [Bethel Pub.](#) in [Elkhart, IN.](#)  
Written in [English](#).

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**About the Book**  
Young porcupine Pordy learns that to have a friend you must be one.

**Edition Notes**  
"A Bethel book, #11"--Cover.  
"A classic children's story."

**Classifications**  
Dewey Decimal Class [Fic]  
Library of Congress PZ7.O4144 Po 1993

[Manage Covers](#)

borrow books, even ones that are in copyright thanks to an agreement with partner libraries and a bit of envelope pushing. You see Open Library takes books that are not heavily circulated (this is a 20 year old kids book) and scans them and puts them away. Then it circulates the digital copy, one copy at a time, to anyone the Open Library serves. It's sort of nuts. They're sort of waiting for someone to sue them. But I bet when (or if) they're sued, they will win.



# Librarian...

[Pordy's prickly problem /](#)

## MARC record from Internet Archive

Record ID            ia:pordyspricklypro00okej  
Source                [Internet Archive](#)  
Download MARC XML   [http://www.archive.org/download/pordyspricklypro00okej/pordyspricklypro00okej\\_marc.xml](http://www.archive.org/download/pordyspricklypro00okej/pordyspricklypro00okej_marc.xml)  
Download MARC binary [http://www.archive.org/download/pordyspricklypro00okej/pordyspricklypro00okej\\_meta.mrc](http://www.archive.org/download/pordyspricklypro00okej/pordyspricklypro00okej_meta.mrc)

**LEADER:** 01352cam 2200397 a 4500  
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003 OCoLC  
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040 \$aInCar\$cDLC\$dNLC\$dOCL\$dBTCTA\$dBAKER\$dOCLCG  
016 \$a960007385  
020 \$a0934998507 (pbk.)  
020 \$a9780934998505 (pbk.)  
035 \$a(OCoLC)29493992

And it's a real library in some other ways, all the items have MARC records, and you can have those MARC records too. Free.



# Engage...

**Around the Library** Here's what's happened over the last 28 days.



**3,931,026**  
UNIQUE VISITORS



**18,960**  
NEW MEMBERS



**38,066**  
CATALOG EDITS



**1,309**  
LISTS CREATED

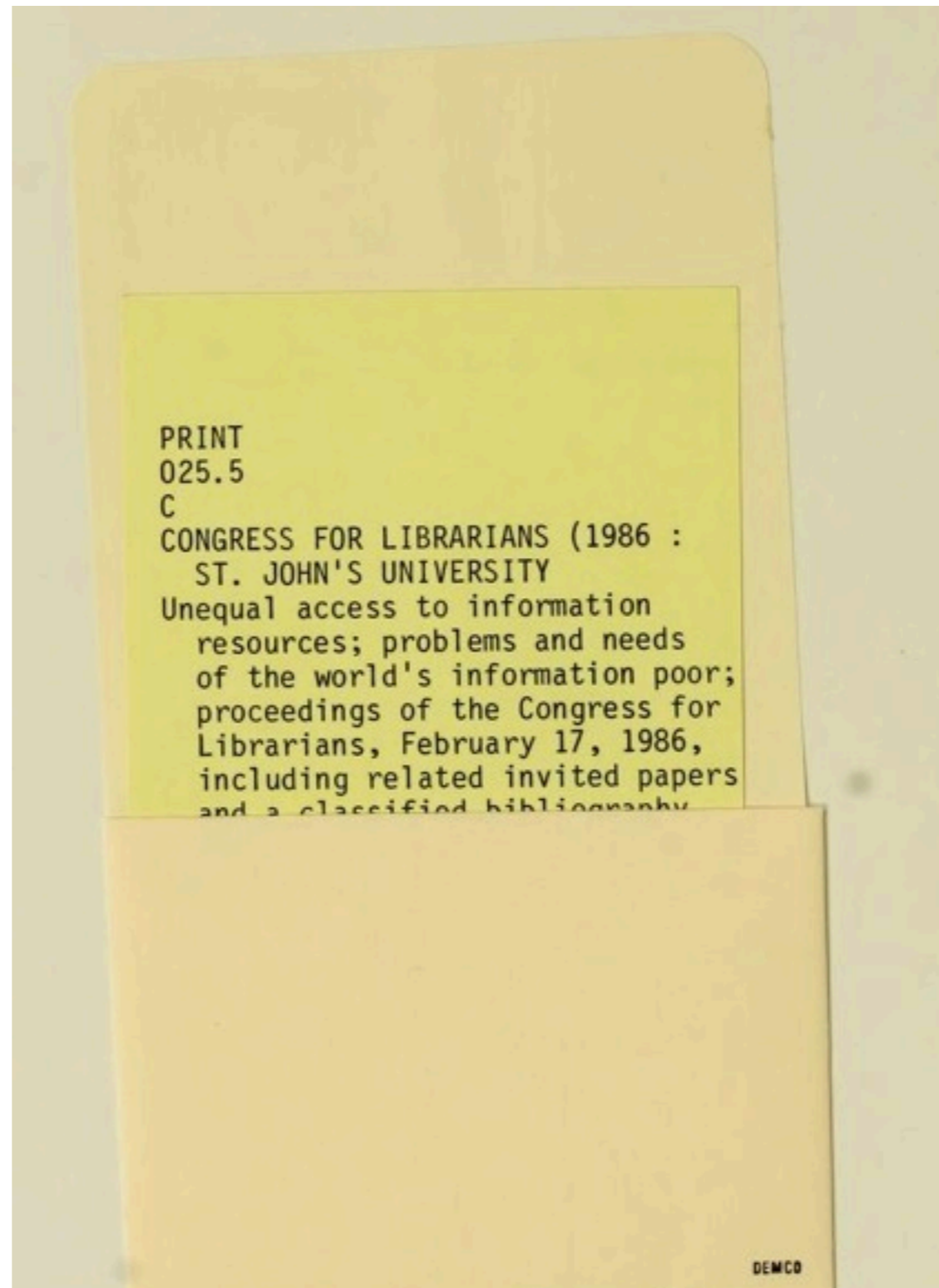


**67,652**  
EBOOKS BORROWED

And it's popular. There are about 700-ish new patrons per day, every day. And you know how many librarians they have? None. Or some. Or a lot depending on how you count,



# Notable missing stat



but basically no paid staff. This is important. There are a few archive.org people who do maintenance level stuff. There are a lot of volunteers that do various things. There are IA people who do IA things like scan books and make deals with libraries. When I offered to do some work there for free, I got some passwords which was cool. And I also got some knowledge, that some of the email hadn't been answered for weeks.



# Other stats

---

- ▶ **40-50 emails per day (more if something's broken) from people all over the *world***
- ▶ **...often about the same small set of things**
- ▶ **...and many folks who are bad with computers, don't speak English or have iffy or old technology**

Because for everyone that is happily borrowing and reading and downloading MARC records, there are other people who can't get the recaptcha to work right, or who can't get Adobe Digital Editions to function properly, or who don't know the difference between a website with books online and a book publisher (and why would they?) or who uncover real and existing bugs in the software or who think they've encountered bugs in the software but just don't know how to use the tools they have. And if we're trying to make ebooks real for people, we have to know a few things...





Wikipedia is the encyclopedia that anyone can edit. But there's a distinction between editing and ... what's it called when you can edit the structure of the thing itself? The thing with digital content, is that someone always has the passwords and there are levels of access. You may have your password but someone has ROOT, the main password to the machine. Like there are only some people who have the key to the library, but people know who those people are. Who has the keys to twitter? And how would you even find out? Send an email to an inbox that's never checked? I wonder....





The thing I like about the library best of all is that the users all have the same level of access (with some small adjustments). And the people who can affect that access are answerable to more than just shareholders. And they're working to increase access not their bottom lines. This is especially important in these weird times





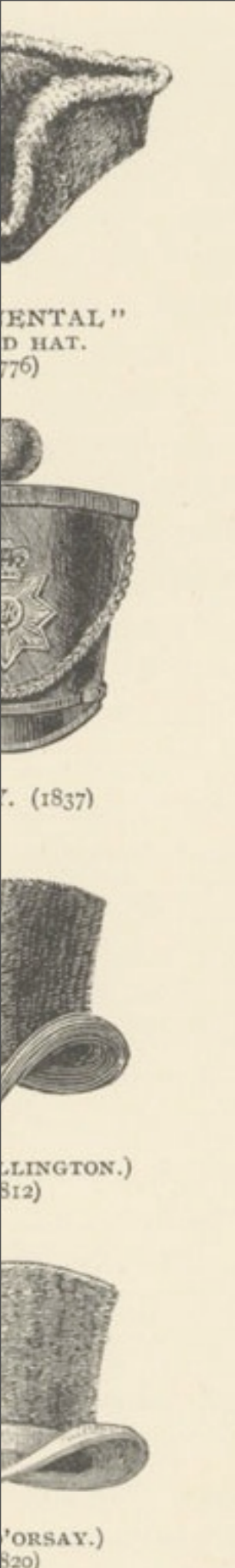
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The thing I like about the library best of all is that the users all have the same level of access (with some small adjustments). And the people who can affect that access are answerable to more than just shareholders. And they're working to increase access not their bottom lines. This is especially important in these weird times





**Buying is (almost)  
as easy as  
stealing.**

Buying books is easy, but so is stealing books. Stealing digital content is a whole new thing from what we normally think of as stealing. You don't have to agree with me ideologically at all, just reflecting a theft where the original copy is still extant feels different to many people. And buying things online is still hard.



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1 of 300

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# WITHOUT A NET

LIBRARIANS BRIDGING  
THE DIGITAL DIVIDE



JESSAMYN C. WEST

## Without\_a\_Net or Librarians in the Digital Age

How librarians are helping to change the world something...



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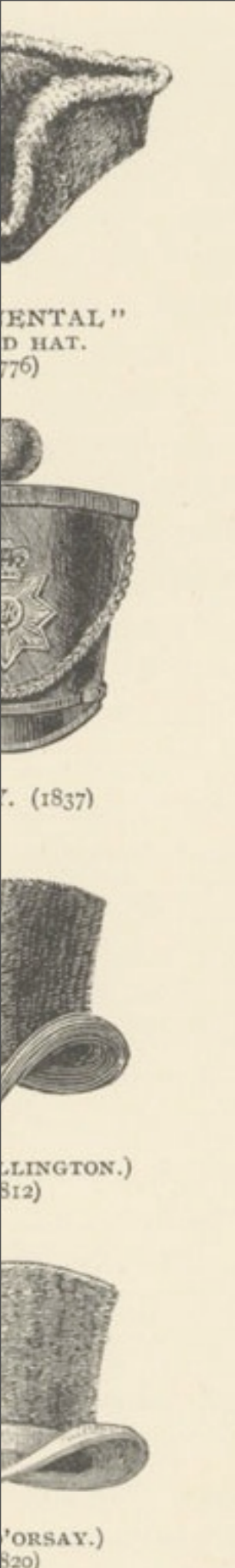
Tags: School research  
information libraries  
teachers students  
Data Mining digital age  
(more tags)

ebook download or read book online.

Flag document for inappropriate content

I stole my own book this weekend, just for laughs. It was easier to find, download and read than get the version on my publisher's website. The publisher wanted me to create an account, all the stuff....





**Stealing is (way)  
easier than  
borrowing.**

And the sad truth is that partly the reason more people don't go legit is because borrowing digital content is difficult, mostly to prevent stealing. I also tried to borrow my book from Overdrive this weekend, preparing for a spectacular punchline



## Bookshelf

*Note: Once you select a format, you may only be able to return the title via the software.*



Download  
(PDF eBook)

Expires : Apr 25 2013  
5:46PM



### Unable to download

Error getting License. License Server Communication  
Problem:  
E\_ACT\_NOT\_READY

OK

d with Ad...

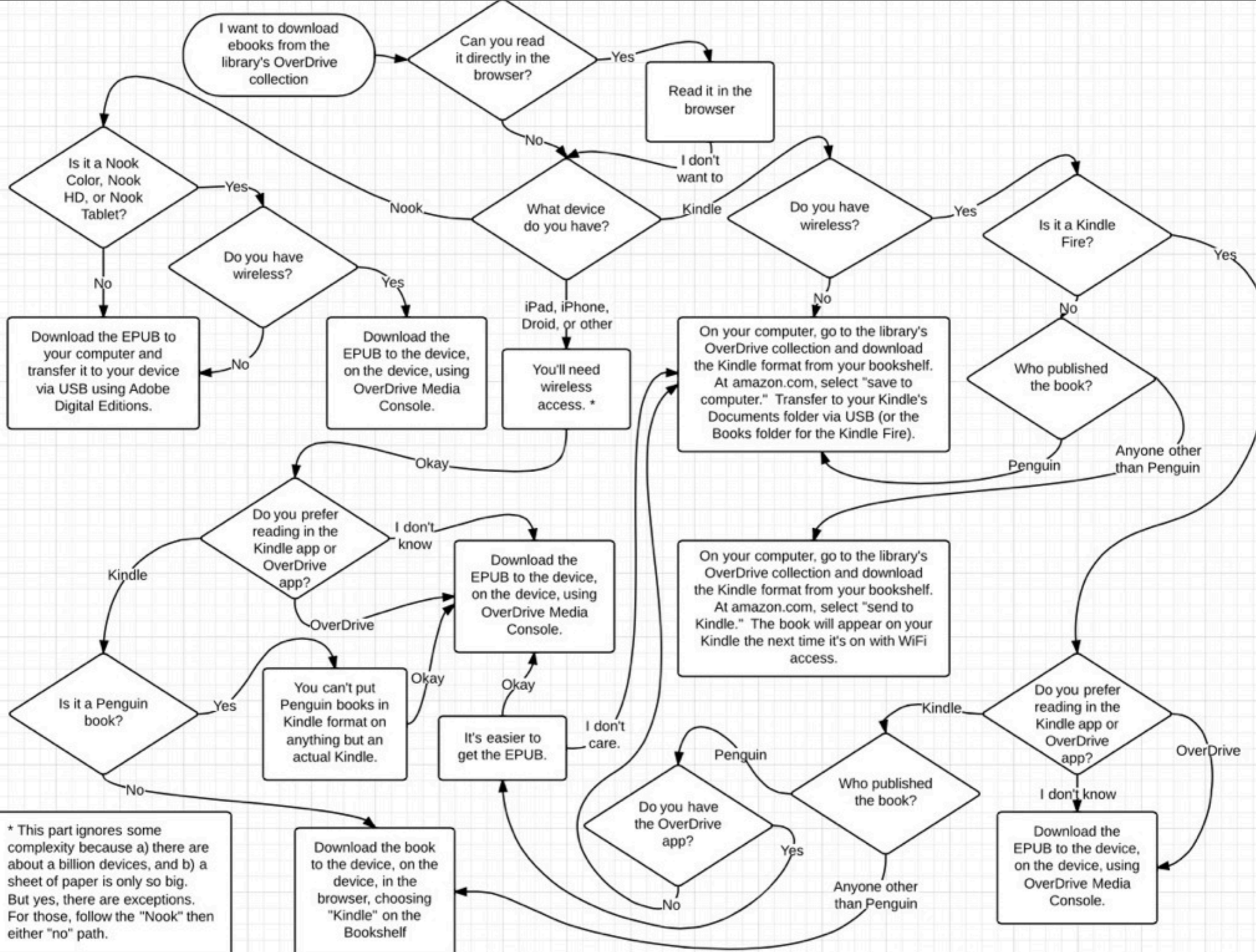
s Incorporated

of 8

13 12:20

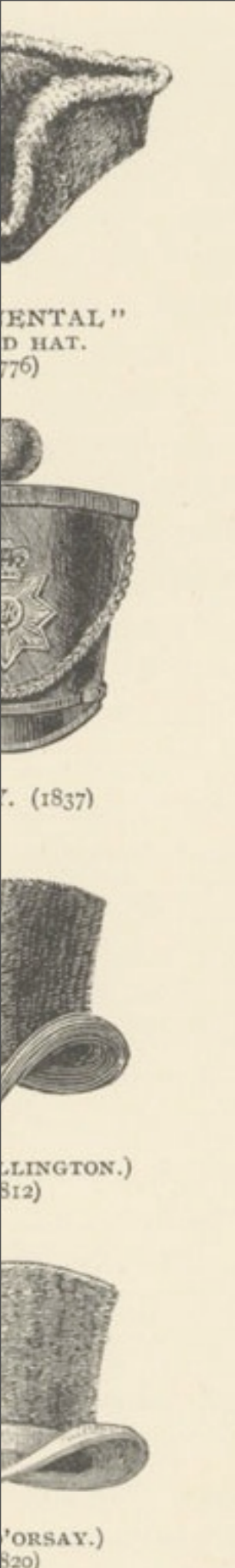
But aside from one small error that was easily resolved by reading the Adobe Forum help files, it went well.





But for a lot of people, it really looks (and feels) more like this. This was made by a librarian. Email me and I can send you a copy.





**And even  
"stealing" is  
complicated.**

It's in a legal grey area, it's not that effective, you feel bad about not supporting authors, it's a mess. What we want is more sharing and a lower hassle factor. And the thing is, librarians are just the people to do it. We get the systems, we speak people's language. we're getting more and more empowered by the legal environment AND the general cultural shift.



# BUT...



- Insecurity and hesitation=staff costs, mission deformed
- Fair use would help, but is under-used
- Risk aversion substituted for fair use analysis

BUT, there are some problems, this is also from the ARLs Code of Best Practices. Often the impediments to actually USING things in a fair use fashion aren't technological they're what we like to call "wetware" Or like we say on MetaFilter "you are trying to employ a technological solution for a social problem"



# So on a planet where...

- ▶ Amazon buys Goodreads...
- ▶ Elsevier buys Mendeley...
- ▶ Random House buys Penguin...
- ▶ Librarians buy aspirin...

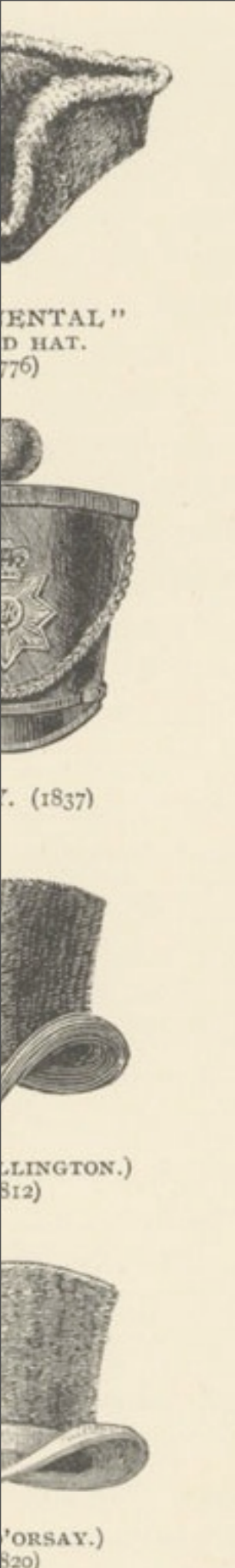


where your data is uncertain when you toss it online, where everything seems like it's stuck behind layers of hassle and authentication and convoluted and un-understandable rights. We have a unique role to play, advocating not just for fair use for patrons but increased, possibly aggressive sharing of the cultural content that we have. It's risky, expanding our reach beyond our mandated areas, but it's also rewarding.









**thank you!**

Questions?

*<librarian.net/talks/open>*